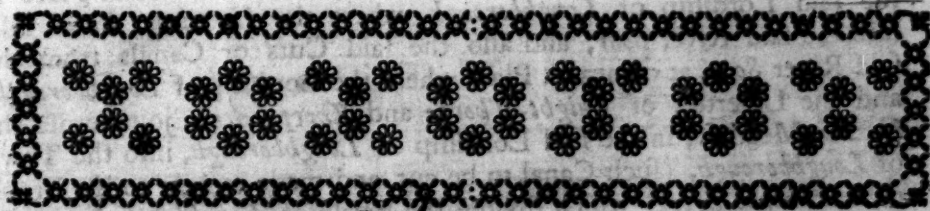


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K. Gt. Britain. George III. King



Read 29 Feb. 1776
Enacted 16 Geo. III. Public Acts, c. 65.
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Passed

in the 14th Dec 1776

F O R

Making the River Soar navigable, from the River Trent, to Bishop's Meadow, within the Liberty of Garenton, in the County of Leicester; and for making and maintaining a Navigable Cut or Canal from thence, near, or up, and into The Ruskes, at Loughborough, in the said County.

WHEREAS by an Act of Parliament, made and passed in the Sixth Year of the Reign of His present Majesty, intituled, "An Act for making the River Soar navigable, from the River Trent, to or near Loughborough, in the County of Leicester, and for making navigable Cuts or Canals from the said River Soar, to or near The Ruskes, and Hermitage Pool, at Loughborough aforesaid," the Commissioners thereby appointed are authorized and empowered to make and keep navigable and passable for Barges, Boats, Lighters, and other Vessels, the said River, from the River Trent, where the

Former Act,
6 Geo. III.
recited.

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said

said River *Soar* falls into the said River *Trent*, to a certain Place in the said Lordship of *Loughborough*, where the *Hermitage Brook* falls into the said River *Soar*, and also the said Cuts or Canals from the said River *Soar*, at or near a Place where the Lordship of *Loughborough*, and the Liberties of *Knight Thorpe* and *Thorpe Acre*, join, cross the Nether Meadow, in the said Lordship of *Loughborough*, into the Town of *Loughborough*, (such Canal to be cut and made as near to the Brook called *Thorpe Brook*, which divides the Parish of *Loughborough* and the Liberties of *Knight Thorpe* and *Thorpe Acre*, as conveniently might be, or the Nature of the Case would admit) and from the said Place where the said River *Soar* and the said *Hermitage Brook* communicate, to a certain Place within the said Lordship, called *Hermitage Pool* :

Impracticable
to make the
Cuts de-
scribed.

And whereas, at the First Meeting of the said Commissioners, for proceeding in the Execution of the said Act, it was found to be impracticable to make, complete, and effectually maintain such Cuts or Canals thereby directed to be made, on Account of the frequent Floods which happen in the said River *Soar* ; nor could any Person or Persons be found, who were willing to lend any Sum or Sums of Money upon such Security as the said Commissioners are impowered to give by virtue of the said Act :

A Canal from
Bishop's Mea-
dow to *The*
Rusbes may
be made.

And whereas, by several Surveys lately taken, it appears, that a navigable Cut or Canal, from a certain Place, where the said River *Soar* joins or communicates with a Piece of Ground called *Bishop's Meadow*, within the Liberty of *Gareton*, in the said County, and through the same Piece of Meadow, and from thence through Part of the said Liberties of *Knight Thorpe* and *Thorpe Acre*, near, or up, and into *The Rusbes*, in the Town of *Loughborough* aforesaid, may be conveniently and effectually made, for the navigating of Barges, Boats, Lighters, and other Vessels, with heavy Burthens :

And whereas the making such last-mentioned Cut or Canal will render unnecessary the making of the said River *Soar* navigable, any further than from the said River *Trent*, to the said Piece of Ground called *Bishop's Meadow* :

And whereas the several Persons hereinafter named are desirous, at their own proper Costs and Charges, to begin, carry on, and complete, the making navigable the said River *Soar*, from the River *Trent*, to the said Piece of Ground called *Bishop's Meadow*, and to make the said Cut or Canal from thence to *The Rusbes* aforesaid :

May

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act, the Powers and Authorities granted by the said former Act, for making the said River Soar navigable, any further than from the said River Trent, to the Piece of Ground called *Bishop's Meadow*, and for making and maintaining the said Cuts or Canals from the said River Soar, to or near *The Rushes*, and *Hermitage Pool*, at *Loughborough*, as described in the said Act, shall be, and are hereby declared to be, repealed; and that the Right honourable the *Earl of Huntingdon*, *Sir Thomas Parkyn*, Baronet, *Charles Vere Dabwood*, *Charles James Packe*, *Benjamin Tate*, *Nathaniel Palmer Johnson*, *William Herrick*, *Mary Philippa*, *Edward Dawson*, *John Davys*, *Thomas Allsopp*, *Julius Hutchinson*, Clerk, *William Farnham*, Clerk, *Joseph Boyer*, *John Watkinson*, *John Davys*, Junior, *William Douglas*, *William Cradock*, *John Foster*, *Edward Savage*, *John Cradock*, *Henry Cropper*, *Edward Preston*, *John Gregory*, *Henry Hind*, *George Thompson*, *Thomas Beaumont*, *John Beaumont*, *John Mills*, *Margaret Cartwright*, *Thomas Burkill*, *Michael Ella*, *Henry King*, *Thomas Jones*, *John Creswell*, and *James Dixon*, their several and respective Executors, Administrators, and Assigns, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares, as hereinafter mentioned, of the said Navigation, are and shall be united into a Company, for the better carrying on, making, compleating, and maintaining, the said River Soar navigable, from the said River Trent up to *Bishop's Meadow* aforesaid, and for making and maintaining a navigable Cut or Canal from thence, through or across the said Meadow, and the Fields of *Knight Thorpe* and *Thorpe Acre*, near, or up, and into *The Rushes*, in the Town of *Loughborough* aforesaid; and for erecting, making, and maintaining Dams, Locks, Cuts, and Canals, in, upon, and over, or on the Side of the said River Soar, from the River Trent to *Bishop's Meadow* aforesaid, and through or across the same Meadow, and the said Fields of *Knight Thorpe* and *Thorpe Acre*, near, or up, and into *The Rushes* aforesaid; and for building Toll Houses, and other Conveniencies, near any such Locks; and for making, compleating, and maintaining all such other Works as may be necessary for the said Navigation, according to the Rules, Orders, and Directions hereinafter expressed; and shall for that Purpose be One Body Politic and Corporate, by the Name of *The Company of Proprietors of the Navigation from the River Trent to the Town of Loughborough*; and by that Name shall have perpetual Succession, and a Common Seal; and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands to them and their Successors and Assigns, for the Use

Company of Undertakers

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for making the said Navigation.

Common Seal.

Power to purchase Lands.

of the said Navigation only, and to and for no other Use, Intent, or Purpose whatsoever, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain, or any of them; and also to sell any of the Lands or Tenements purchased for the Use of the said Navigation; and any Person or Persons, or Bodies Politic or Corporate, may give, grant, bargain, sell, or convey to the said Company of Proprietors, any Lands, Tenements, or Hereditaments, for the Use and Benefit of the said Navigation, without Licence of Alienation.

Their general Powers.

And be it further Enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and impowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to make and keep navigable and passable at all Times, for Keels, Boats, Barges, Lighters, and other Vessels, the said River *Soar*, to the Extent aforesaid, and the said Cuts and Canals respectively; and for that Purpose, as Occasion may require, to conduct, cleanse, scour, open, deepen, enlarge, alter, turn, or straighten, the same, or any Part or Parts thereof, and any other Brooks, Streams, Springs, or Watercourses, which do come, or may be brought, into the same, or made to communicate therewith; and to dig, cut, or raise the Banks of the said River, Cuts, or Canals, and of any other Streams, Brooks, or Watercourses, for bringing Water into the said River, Cuts, or Canals; and to make such new Cuts or Canals, Trenches or Passages, for Water, in, upon, or through the Lands or Grounds adjoining or near to the said River, Cuts, or Canals, or such Streams, Brooks, or Watercourses, as aforesaid, within the Distance of Fifty Yards from the said intended Navigation; and also to make such Reservoir or Reservoirs as shall be necessary for the more conveniently supplying the Locks and Cuts or Canals with Water, as the said Company shall think necessary and proper for effecting the Purposes of this Act, be it in or upon the Ground or Soil of the King's Most Excellent Majesty, his Heirs or Successors, or of any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whatsoever; and also to dig up, cut, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the said intended Navigation, either in sailing, haling, or towing, of Keels, Boats, Barges, Lighters, or other Vessels, with Men, Horses, or otherwise; and also to build, erect, set up, and make, over or in the said River, Brooks, Streams, Cuts, Canals, Trenches, and Watercourses, or upon the Lands adjoining or near the same, or any of them, such and so many Dams, Locks, Bridges, Sluices, Weirs, Pens for Water, Tunnels, Stanks, Quays, Winches, and other Engines, Posts, and Stoops, Landing Places, Weighing Beams, and Warehouses, for the Purposes of making and preserving the said Navigation, and other Works and Conveniencies, as and where the said Company shall think necessary and proper, for compleating, maintaining,

maintaining, and using the said Navigation, and from Time to Time, as often as shall be proper and convenient, to increase, alter, repair, maintain, enlarge, contract, or remove the same; and also to make, amend, widen, turn, alter, or enlarge, any Ways, Passages, or other Conveniencies, for the carrying and conveying of Goods, Commodities, or other Things, to or from the said River, Brooks, Streams, Cuts, Canals, Trenches, or Watercourses; and also to carry and convey, in, over, and upon any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finishing the said Works and Navigation, and for altering, repairing, and maintaining the same; and also to lay, work, manufacture, and deposit the said Materials on the Ground near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, or done; and also to amend, alter, or heighten any Bridge or Bridges, Cuts, Canals, and Watercourses, that may any ways hinder or obstruct the said intended Navigation; and also to get, dig, take, and carry away, Soil, Clay, Gravel, or Stones, and other Materials, proper, requisite, and convenient for making, carrying on, altering, and continuing, the said Works and Undertakings only, in or from any Ground of any Person or Persons adjoining or lying contiguous or near to the said River, Brooks, Streams, Cuts, Canals, or Watercourses, or where the said Materials can be most conveniently had and gotten (not being at this Time the Ground whereon a House stands, or Garden, Yard, Park, Orchard, Paddock, planted Walk, or Avenue to a House;) and also to make, set out, appoint, maintain, and keep, Towing Paths, Banks, and Ways, convenient for towing and drawing, with Men, Horses, or otherwise, Keels, Boats, Barges, Lighters, and other Vessels, passing in, through, and upon the said River, Cuts, or Canals, hereby intended to be made navigable, as the said Company shall think convenient and necessary; and also to do, perform, and execute all other Works, Matters, and Things, which the said Company of Proprietors shall judge necessary or proper for carrying on, compleating, and maintaining the said intended Navigation, and for executing the Purposes of this Act; and to make Contracts with any Person or Persons for performing all or any of the Works, Matters, or Things that shall be thought necessary in the Execution of this Act, the said Company of Proprietors, and their Servants, Agents, and Workmen, doing as little Damage as may be to and upon the Premises, and making Satisfaction, as in the said recited Act mentioned, to the Owners and Occupiers of, and Persons interested in, any Mills, Weirs, Lands, Tenements, or Hereditaments respectively, for all Damages to be sustained by the said Owners or Occupiers of such Mills, Weirs, Lands, Tenements, or Hereditaments, Waters, Watercourses, or Brooks respectively, as shall be taken, used, removed, diverted, or prejudiced in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Servants, Agents, and Workmen, and all other Persons whomsoever,

soever, for what they or any of them shall do by virtue of the Powers hereby granted.

Powers of the former Act extended to Works authorized by this Act, except where repealed or altered by this Act.

And be it further Enacted, That all the Powers, Provisions, Rules, Orders, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, granted, appointed, prescribed, and contained, in and by the said former Act, which are now in force (other than so far forth as the same or any of them respectively are repealed, altered, or explained, by the Force and Effect of this present Act) shall be exercised, practised, used, enforced, and put in Execution, for the Purposes of this present Act, in as full, ample, extensive, and beneficial Manner, as if the said Powers, Provisions, Rules, Orders, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, were particularly expressed, and again Enacted in the Body of this present Act.

For making good all Watering Places for Cattle.

And be it further Enacted, That if, by Means of making the said Navigation, any Cattle which used to depasture in the adjacent Lands and Grounds shall be cut off from and deprived of their usual Watering Places, then and in such Case the said Company shall, at their own proper Costs and Charges, set out and provide proper and convenient Places, in the Lands adjoining to the said Navigation, for Cattle to water at and drink out of, in every such Ground, in lieu and instead of the Watering Place or Places where they were heretofore accustomed to drink and water at as aforesaid, and to supply the said Watering Places with Water from and out of the said Navigation, if necessary.

For making Drains.

And be it further Enacted, That the said Company of Proprietors shall, and they are hereby required to make, or cause to be made, such Arches, Tunnels, Drains, or other Passages, over or under, or into the said River, Cuts, or Canals, hereby authorized to be made, as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near unto the said River, Cuts, or Canals, or any of them, without obstructing or impeding the same.

Lands may be entered to take Surveys.

And be it further Enacted, That it shall and may be lawful for the Agents, Servants, and Workmen, of the said Company, from Time to Time, to enter upon the Lands and Grounds of the several Persons, Bodies Politic, Corporate, or Collegiate, through which the said Navigation, and other Works hereby authorized, are intended to be made, in order to survey and take a Level of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making of such Navigation, and other the Matters and Conveniencies aforesaid, such Agents, Servants, and Workmen, making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the Time being, in case the same exceeds the Sum of One Shilling.

And

And be it further Enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons; and to and for all Femmes Covert, who are or shall be seised, possessed of, or interested, in their own Right, and to and for every Person or Persons, however incapacitated, who are or shall be seised, possessed of, or interested in, any Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain Yearly Rent, or otherwise to contract for, sell, and convey, to the said Company of Proprietors, or to such other Person or Persons as they shall nominate or appoint, for the Use of the said Navigation, all or any Part of such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments; and where, by making the said Dams, Locks, Cuts, or Canals, Ways, Paths, and Passages, or any of them, the Property of any Land Owner or Land Owners shall be separated, so as to render the Occupation thereof inconvenient, it shall and may be lawful for such Bodies Politic, Corporate, and Collegiate, and other such Land Owners, by and with the Consent of the Commissioners to be appointed as hereinafter mentioned, or any Three or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by, One or more credible Witness or Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in Lieu of other Lands, all or any Part of such Messuages, Mills, Lands, Tenements, or Hereditaments, through or near which the said intended Dams, Locks, Cuts, or Canals, Ways, Paths, Passages, or other Works, or any of them, shall be made, to the said Company of Proprietors, or to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as the said Commissioners, or any Three or more of them, shall esteem reasonable; and also, it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, or such other Person or Persons to whom such Conveyances shall be made, by any Writing or Writings to be by him, her, or them in like Manner sealed and delivered, to sell and dispose of, or to convey in Exchange, all or any Part of such Messuages, Mills, Forges, Lands, Tenements, or Hereditaments, which they may purchase as aforesaid; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, and Collegiate, and all Persons

Incapacitated Persons enabled to lease or sell.

Where Lands are separated, so as to render Occupation inconvenient, the Remainder may be sold or exchanged, with Consent of the Commissioners.

Bodies Politic, &c. indemnified for what they do by virtue of this Act.

Contracts to be inrolled with the Clerk of the Peace.

Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Bargains, Sales, Leases, Conveyances, and Assurances, (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, be inrolled by the Clerk of the Peace for the said County of *Leicester*, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrollment and Copies the Clerk of the Peace shall have and receive the Sum of Two Pence for every One hundred Words, and so in Proportion for a greater or less Number of Words, and no more; and for every Inspection or Perusal thereof One Shilling, and no more.

Copyholds to be surrendered in respective Courts.

Provided always, and be it Enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands or Tenements, which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are holden, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services, as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made.

Commissioners to determine Differences.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, any Messuages, Mills, Weirs, Lands, Tenements, Hereditaments, and Premises, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, concerning the Purchase Money to be paid, or Recompence to be made to them respectively; **Be it therefore Enacted,** That the Right honourable *Charles Manners* commonly called Marquis of *Granby*, the honourable *Booth Grey*, *Sir Thomas Cave*, *Sir John Palmer*, *Sir Thomas Parkyns*, *Sir John Danvers*, *Sir Charles Halford*, Baronets; *Thomas Cave*, *John Peach Hungerford*, *Edward Roe Yeo*, *Clement Winstanley*, *Asbeton Curzon*, *Thomas Parkyns*, *John Wilson*, *Charles Vere Dasbrooke*, *Benjamin Tate*, *George Tate*, *John Wescomb Emmerton*, *Hugo Meynell*, *William Herrick*, *John Herrick*, *Samuel Stevens*, *Thomas Babington*, *Thomas Babington, Junior*, *Anthony James Keck*, *Edward Dawson*, of *Long Whaddon*, *Edward Dawson*, of *Donnington Park*, *Charles James Pack*, *William Shalcrofts Mason*, *Thomas Pochin*, *John Hide*, *John Noon*, *Richard Cheslin*, *Peter Roberts*, *Thomas Fisher*, *Leonard Fosbrooke*, *Henry Fosbrooke*, *Nathaniel Palmer Johnson*, *William Pochin*, *Thomas King*, *Thomas King, Junior*, *John Darker*, *Robert Taylor*, *Thomas Richards*, *Thomas Farnham*, *Edward Farnham*, the Worshipful the Mayor, Recorder, and Six of the Senior Aldermen, of the Borough of *Leicester*, for the Time being, the Reverend *James Bickham*,

Bickham, Doctor in Divinity, the Reverend Ralph Heatbete, Doctor in Divinity, William Farnham, Julius Hutchinson, Hadwin, Thomas Hurst, Thomas Hudson, Charles Allsopp, Theophilus Henry Hastings, William Middleton, Caleb Lowdham, Thomas Green, Ellis, Edowes, Willey, Richard Barnard, William Babington, Samuel Hunt, Clerks; Peter Nathan Roberts, William Roos, Francis Barker, Caleb Lowdham, Thomas Allsopp, John Wilkes, Junior, John Alleyne, Joseph Boyer, Thomas Boyer, John Gregory, John Beaumont, John Beaumont, Junior, Thomas Beaumont, John Davys, John Davys, Junior, Ferdinando Davys, John Stone, James Sculborpe, Richard Sansome, Nicholas Webster, John Farrow, John Foster, Henry Cropper, William Cradock, John Cradock, William Holbrooke, William Douglass, John Watkinson, Michael Ella, John Wood, William Poabin, Thomas Bowley, John Bowley, William Hall, William Hall, Junior, Benjamin Rowland, Edward Savage, William Capp, John Capp, Thomas Oldknow, John Oldknow, George Ingman, William Fillingham, Richard Mansfield, Samuel Towers, Edward Preston, Peter Preston, John Creswell, Jonathan Brown, Henry Hind, John Gutteridge, Henry King, Joel Marshall, John Turner, Thomas Hunt, Joseph Paget, Thomas Burkill, William Tyler, Thomas Astey, John Clifford, William Buttery, John Berridge, James Berridge, Hart Buck, John Osburne, John Ferryman, George Thompson, George Perkins, Robert Bakewell, of Disbley, George Hall, Robert Dickinson, Edward Aspinshaw, Benjamin Gutteridge, Joseph Halford, William Boyer, John Buckley, Thomas Jones, Matthew Steel, John Stokes, John Fisher, Eneas Mackdonald, John Jackson, and James Dixon, shall be, and they and their Successors, to be elected in Manner hereinafter mentioned, and qualified as the said former Act directs, are hereby appointed Commissioners for settling determining, and adjusting, all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, or any of them, and the several Owners of and Persons interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Three or more of them, are hereby impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, or any of them, either by an annual Rent or Payment, or by a Sum of Money in gross, by and at the Election of the said Owners of, and Persons interested in, such Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to such Bodies Politic, Corporate, or Collegiate, Person or Persons respectively, who shall be entitled or interested as aforesaid, for the absolute Purchase of any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to be cut, dug, damaged, altered, removed, or used for the Purposes of this Act, or to facilitate the carrying on and effecting the said Navigation, or any Part thereof, or other the Purposes herein mentioned; and

Commissioners Power to adjust the Sums to be paid for Lands, &c.

and Recompence for Drainage.

also to determine and adjust the Recompence to be made for any Damages to be occasioned by any of the Works of the said Navigation, which may at any Time or Times hereafter be sustained by such Bodies Politic, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of, or interested in, any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, for or by reason of the making, repairing, or maintaining the said Navigation, or any of the Banks, Cuts, Trenches, Passages, Gutters, Watercourses, or Sluices; or of supplying the same, or any of them, with Water as aforesaid; or by obstructing and impounding the Water; or by the flowing, leaking, or ouzing of the Water, over or through the Banks of the said Cuts, Trenches, Passages, Gutters, Watercourses, or Sluices, which shall be made pursuant to the Powers hereby given; or by not cleansing the said Trenches, Passages, Cuts, Watercourses, or Sluices; or by turning and diverting any Streams or Brooks into the same as aforesaid; or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Agents, Workmen, or Servants; or by means or in consequence of any of the Works to be made for the Purposes of the said Navigation; in case such Price or Value, Damages and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors, their Successors and Assigns, and the Persons interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments as aforesaid; and if the said Company of Proprietors, for and on the Part and Behalf of themselves, or any such Bodies Politic, Corporate or Collegiate, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or any Three or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their usual or accustomed Dwelling or Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation or other Works aforesaid, or shall not produce and evince a clear Title to the Premises

In case Parties refuse to submit to the Determination of the Commissioners, or shall be dissatisfied therewith, &c.

or shall not evince a clear Title,

misses they are in Possession of, or to the Interest they claim therein, then and in every such Case the said Commissioners, or any Three or more of them, shall, and they are hereby required and impowered, from Time to Time, to issue a Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the said County of *Leicester*, or the Sheriff of the County of *Nottingham*, as the Case shall happen, for the Time being; and in case such Sheriff, or his Under Sheriff, shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be interested in the Matter in Question, then to the Coroner or Coroners of the said Counties of *Leicester* or *Nottingham*, as the Case shall happen, not interested as aforesaid, requiring such Sheriff or Coroner respectively to impanel, summon, and return, a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine Days, nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners, respectively; and in case a sufficient Number of Jury Men shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jury Men, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as Witnesses concerning the Matters in Question; and the said Commissioners, or any Three or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury (upon their Oath, to be administered by the said Commissioners, or any One of them, and which Oath, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any One of them, are and is hereby impowered to administer) shall inquire of, assess, and ascertain, the Sum or Sums of Money, or Annual Rent, to be paid for the Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and the said Commissioners, or any Three or more of them, shall give Judgment for such Purchase Monies, Rent, or Recompence, so to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced by the said Commissioners, or any Three or more of them, shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty,

the Commis-
sioners shall
cause the
Matters to be
inquired in-
to by a Jury.

his

his Heirs and Successors, and against all Bodies Politic, Corporate, and Collegiate, and against all and every Person and Persons whomsoever.

Values of
Lands, &c.
and Da-
mages, to be
separated in
Verdicts.

Provided always, and it is hereby further Enacted, That the said Commissioners and Juries respectively shall, in all Determinations, Judgments, and Verdicts, which they shall respectively make and give in Execution of the Powers vested in them by virtue of the said recited or this present Act, concerning the Value of Lands, and Damages sustained, or to be sustained, separate and distinguish the Value set upon the Lands, and the Money assessed or adjudged for Damages, from each other; all which said Determinations, Judgments, and Verdicts, shall be final to all Intents and Purposes, and shall not be removed by *Certiorari*, or other Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute notwithstanding.

Where Par-
ties refuse to
accept Re-
compence,
the Company
may never-
theless use
the Lands.

Provided also, and be it further Enacted, That from and after the passing of this Act, whenever the said Company of Proprietors have Occasion to make the said Cuts or Canals, or any other Works, in, through, or over any Lands, Grounds, or Premises, by virtue of the said recited Act or this present Act, and the Owner or Proprietor of such Lands, Grounds, or Premises, shall refuse to accept of such Recompence as shall be offered or tendered to such Owner or Proprietor for any Damage, he, she, or they, shall or may sustain thereby, it shall nevertheless be lawful for the said Company, at any Time or Times when they shall think proper, to cause the said Cuts or Canals, and such other Works, to be made over and through such Lands, Grounds, and Premises, in such Manner as they shall think fit, any Thing in the said recited Act, or this present Act, contained to the contrary thereof in any wise notwithstanding.

Land Own-
ers may ne-
vertheless ap-
ply for Re-
compence.

Provided nevertheless, That nothing hereinbefore contained shall prevent or hinder the Owner or Proprietor of such Lands, Grounds, and Premises, from applying to the Commissioners appointed by this Act, or to the Jury, in such Manner as is appointed and prescribed in and by the said recited Act and this present Act, in order to ascertain and determine what Recompence and Satisfaction shall be made to such Owner or Proprietor, for any Lands or Premises which shall be necessary to be made for making the said Cuts or Canals, or other Works, any Thing herein or in the said recited Act contained to the contrary notwithstanding.

Penalty on
Sheriffs, &c.
making De-
fault.

Provided always, and be it Enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person for every such Offence shall forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or ap-
pearing,

pearing, shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing, shall refuse to be sworn or examined, and to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Three or more of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Three or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale shall be deducted.

Provided also, and be it Enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Mills, Forges, Weirs, Lands, Hereditaments, or Property of any Person or Persons whomsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners, that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, or any Three or more of them, and be defrayed by the said Company of Proprietors; but if any Verdict or Assessment shall be given or made for no more, or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined and assessed by the said Commissioners as aforesaid, then and in every such Case the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Three or more of them, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute.

How the
Expence of
Jury, &c.
shall be
paid.

Provided also, and be it Enacted, That all and every Person and Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into Bond, with One or more sufficient Surety or Sureties, to the Clerk of the said Company of Proprietors for the Time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more, or a less Sum than had been offered by or on Behalf of the said Company

Persons re-
questing a
Jury, to enter
into Bond to
prosecute.

of Proprietors, or than had been assessed by the said Commissioners, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages, aforesaid.

Commissioners not obliged to take Notice of Complaint till Application has been made to the Company, or their Servants, within a limited Time.

And be it further Enacted, That the said Commissioners shall not, nor shall any of them be obliged, by virtue of the said former Act or this Act, to receive or take Notice of any Complaint to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained, by virtue of the said former Act or this Act, unless Application hath been made or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their known Agent or Agents, or some Collector of the Tolls arising from the said Navigation, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalty on Persons giving false Evidence.

And be it further Enacted, That all and every Person and Persons, who in any Examination to be taken by virtue of this Act shall give false Evidence before the Commissioners, or any Three or more of them, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof, shall and may be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

On Payment or Tender of Purchase Money, or Compensation, Premises to vest in the Company;

And be it further Enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted or agreed for between the Parties, or to be determined and adjudged by the said Commissioners, or any Three or more of them, or assessed by such Juries, in Manner hereinbefore respectively mentioned, for the Purchase of any such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, as aforesaid, to the Owner or Owners thereof, or other Person or Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Owner or Owners, or other Person or Persons, or to the principal Officer or Officers of any Body Politic, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or if he, she, or they cannot be found, or shall refuse to accept such Money or Rent; then and in every such Case, upon Payment thereof to such Person or Persons as the said Commissioners, or any Three or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Owners or Persons respectively as aforesaid, such Messuages, Mills, Forges, Weirs, Lands, Tenements,

ments, or Hereditaments, and the Fee Simple and Inheritance thereof respectively, shall from thenceforth be vested in, and become the sole Property of the said Company of Proprietors for ever; and immediately thereupon, it shall and may be lawful for them, their Agents, Workmen, and Servants, to enter upon the same, and to dig, cut, trench, fough, and remove, Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions for the making, using, maintaining, and repairing the said Navigation, and Towing Paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be agreed for, determined, or assessed as aforesaid, and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on, supporting and maintaining the said Navigation, as the said Company of Proprietors shall think requisite, and to have, use, and enjoy the Premises to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify, as well the said Commissioners as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

and may be
used for the
Navigation.

And be it further Enacted, That all the Determinations of the said Commissioners, or any Three or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgments, being first signed by Three or more of the Commissioners who shall be present at the making of such Determinations or the taking of such Verdicts, and pronouncing such Judgments respectively, shall be inrolled with the Clerk of the Peace for the said County of *Leicester*, and shall be deemed to be Records, to all Intents and Purposes; and the same, or true Copies thereof respectively, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrollments of such Contracts, Agreements, Sales, and Conveyances, as are hereinbefore mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof without Stamps, paying for every Copy, not exceeding One hundred Words, the Sum of Two Pence, and so in Proportion for any Number of Words; and immediately on such Payment, and Entries of such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Inheritance, Use, Trust, Property, Possession, Claim, and Demand whatsoever, both in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in and to or out of the said Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, shall vest in the said Company of Proprietors, and they shall be deemed in Law to be in the actual Seisin or Possession thereof respectively, to all Intents and Purposes whatsoever, as fully and effectually

Determinations and Verdicts to be inrolled with the Clerk of the Peace;

and deemed Records;

and thereupon all Estate and Interest to vest in the Company.

effectually as if all and every Person or Persons having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale, inrolled Feoffment with Livery and Seisin, Fine, Recovery, or any other legal or usual Mode of Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand whatsoever, of the Person or Persons to whose Use such Payments shall be made, but also shall extend to, and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and his, her, and their Issue, and all Estates Tail, and in Reversion or Remainder, and all and every other Person and Persons whomsoever, as fully and effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by all the proper Parties in due Form of Law.

Money paid
to Corpora-
tions to be
laid out by
them in pur-
chase of other
Estates.

And be it further Enacted, That all and every Sum and Sums of Money which is or are to be paid, for the Purchase or Exchange of any Lands or Grounds as aforesaid, to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, or Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunatics, Ideots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, or who are otherwise incapable by Law of selling, or disposing, or exchanging the same, shall, in case the same exceeds the Sum of Twenty Pounds, be laid out and invested by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or other Person or Persons, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to, or to the Use of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or to such other Person and Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, Provisoos, and Contingencies, as the Lands or Grounds for or in respect whereof such Purchase Money or Monies shall be so paid as aforesaid, or Lands, Tenements, and Hereditaments, shall be so received in Exchange as aforesaid, were limited, settled, and assured, at the Times such Purchase Monies or Exchanges were so agreed for or ascertained respectively as aforesaid, or so many of such Uses as shall be then existing, and capable of taking Effect; all and every of which Conveyances and Settlements, (other than those which concern any Purchase or Exchange between or amongst any of the respective Land Owners as aforesaid) shall be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out

out by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or other Person or Persons, in some of the Public Funds, or on Government or real Securities bearing and producing an annual Interest, in the Names of Two Persons, the one to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Three or more of them; and the Interest arising, or to be produced from such Funds or Securities, and also the Annual Rent for such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, where a Rent shall be fixed upon, as aforesaid (which shall be a Rent Charge charged and chargeable upon the Rates and Duties hereby authorized to be taken by the said Company of Proprietors, their Successors and Assigns) shall be paid to such Person or Persons respectively as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

And be it further Enacted, That the said Commissioners, or any Three or more of them, are hereby authorized, impowered, and required to settle what Shares and Proportions of the Purchase Monies, or Recompence for Damages, which shall be so agreed for by the said Company of Proprietors, or any of them, or determined and adjusted by the said Commissioners, or any Three or more of them, or assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed and paid to each Tenant, or other Person, having a particular Estate, Term, or Interest, in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same is or are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

Commissioners to settle the Proportions of Money paid for Purchase or Recompence, between Tenants and others.

And be it further Enacted, That in Default or Refusal of Payment of such Sum or Sums of Money, and at such Times, and in such Manner as shall be assessed and awarded, for Damages of any Kind, by virtue of this Act, by the said Commissioners, or any Three or more of them, or by any Jury, as aforesaid, the said Commissioners, or any Three or more of them, shall, and they are hereby authorized, impowered, and required to appoint One or more Person or Persons to receive One Half of the Rates or Duties by this Act imposed, and thereout, in the First Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Default or Refusal of Payment, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded; and the Money so to be received by such Person or Persons shall be, and is hereby declared to be as so much Money received to and for the Use of such

On Default of Payment by the Company, the Duties to be liable;

E

Person

or the Money
may be reco-
vered at
Law.

Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid, according to the Judgment of the said Commissioners, or any Three or more of them, as aforesaid, with Interest and Costs for the same, as aforesaid, by Action at Law, in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, to recover the same, with Costs of Suit, as between Attorney and Client.

In case
Damages and
Costs be not
paid out of
the Rates,
the Effects of
the Company
to be liable.

Provided always, That in case the Damages, Interest, or Costs by this Act provided to be satisfied out of the Rates or Duties arising from the said Navigation, shall not be satisfied and paid within the Space of Twelve Calendar Months after the same shall be so determined or assessed as aforesaid, that then and in every such Case the said Commissioners, or any Three or more of them, upon Complaint to be to them, or any Three or more of them, made, by or on Behalf of the Person or Persons sustaining such Damages as aforesaid, are hereby authorized and required to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said Counties of *Leicester* or *Nottingham*, authorizing and empowering such Sheriff to levy and raise the Damages so determined and assessed, with such Interest and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners, or any Three or more of them, shall in such Warrant or Warrants direct and appoint.

Rents and
Sums of
Money
charged on
the Rates.

On Non-Pay-
ment the
Rates to be
liable;

And be it further Enacted, That all and every such Yearly Rents, or Sum or Sums of Money, as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates or Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case of Non-Payment thereof within Sixty Days next after the same shall become due, and a Demand thereof made, the said Commissioners, or any Three or more of them, are hereby authorized and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive One Half of the Rates or Duties hereby granted or made payable, and to pay the same to such Person or Persons to whom such Yearly Rents, or Sum or Sums of Money, shall be due and unpaid as aforesaid, until such Yearly Rents, or Sum or Sums of Money, with the Costs and Charges of

of recovering and receiving the same, shall be fully satisfied and paid; or otherwise, the said Yearly Rents, or Sum or Sums of Money, may be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; or, at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, in such Manner as the Law directs in Cases of Distress for Non-Payment of Rent; but so nevertheless that the Goods and Chattels of no other Person or Persons besides the said Company of Proprietors be seized or detained by virtue of the Power hereby given.

or may be
sued for at
Law;

or recovered
from the Ef-
fects of the
Company.

And be it further Enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, such Person or Persons shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to transport such Felon for the Space of Seven Years, to any of His Majesty's Plantations in *America*, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Punishing
Persons ma-
liciously da-
maging the
Works.

And be it further Enacted, That if any Person or Persons shall wilfully and maliciously do any Damage, Hurt, or Mischief, to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining, the said intended Navigation, hereby authorized to be made as aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, and in Default of such Payment, shall be committed to the House of Correction of the said County of *Leicester*, there to remain for the Space of One Calendar Month, unless such Penalty shall be sooner paid.

Penalty for
obstructing
the Works.

And be it further Enacted, That all the Lands, Tenements, and Hereditaments, which shall be purchased in pursuance and by virtue of this Act, shall be and are hereby vested in the said Company of Proprietors, and shall and may be used, applied, and disposed of, as the said Company of Proprietors shall think fit.

Lands, &c.
purchased in
pursuance of
this Act
vested in the
Company.

And be it further Enacted, That all and every Sum and Sums of Money, which shall at any Time or Times be subscribed, advanced, and paid, by any Person or Persons, for or in respect of any

Monies, Ma-
terials, &c.
vested in the
Company.

any Share or Shares in the said Navigation; and also all the Money which shall or may arise from the said Rates or Duties by this Act granted, or upon any other Account whatsoever; and also all Wharfs, Warehouses, Locks, Cuts, and all other Buildings and Works; and all Boats, Barges, Lighters, and other Vessels; and all other Matters and Things to be made, erected, built, or provided by them, for the Purpose of making, supporting, and carrying on the said Navigation; and all Securities for Money and Effects of or belonging to the said Navigation; shall be, and the same are hereby, vested in the said Company of Proprietors; and the same and every Part thereof are hereby declared to be their Property.

Company
may raise
Money
amongst
themselves for
making the
Navigation.

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, **Be it Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making, completing, and maintaining, the said Navigation; provided that the said Sum doth not exceed the Sum of Seven thousand Pounds in the Whole (except as hereinafter mentioned) and that the same be divided into such Number of Shares as hereinafter directed, each Share not to exceed One hundred Pounds; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, doth or shall become a Proprietor of less than One Share; and the Money so to be raised is hereby Enacted and appointed to be laid out and applied, in the First Place, to pay off and discharge all Expences incurred in obtaining and passing the said recited Act, and of making Surveys, Plans, and Estimates, and doing and providing all other Matters and Things preparatory and previous thereto, or in Consequence thereof, and for and towards the Payment, Discharge, and Satisfaction, of the Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereto; and all the Residue and Remainder of such Money to be laid out and applied for and towards making, completing, and maintaining the said Navigation, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

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7000.

Application
of the
Money.

The Money
subscribed to
be divided
into Shares.

And be it further Enacted by the Authority aforesaid, That the said Sum, or such Part thereof as shall be raised by the several Persons hereinbefore named, and by such other Person or Persons who shall or may at any Time become a Subscriber or Subscribers to the said Navigation, shall be divided into Seventy equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said Seventy Shares shall be and are hereby vested in the several Persons so subscribing the same, and their

70 Shares
orig.

14 Sub
several Shares

several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, in Proportion and according to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of real Property; and all Bodies Politic and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in Lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the intire and neat Distribution of One Seventieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politic or Corporate, Person or Persons, having such Property of a Seventieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate or proportionable Sum of Money towards carrying on the said Undertaking, in Manner hereinafter enacted, directed, and appointed.

And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner, **Be it further Enacted**, That all and every Body and Bodies Politic or Corporate, or other Person or Persons, who shall by virtue of this present Act subscribe or undertake for One Seventieth Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every public Meeting or Assembly, to be holden as hereinafter appointed, for carrying on the said Undertaking, which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Navigation) duly authorized under his, her, or their Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy shall be good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politic, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxy or Proxies regularly authorized as aforesaid, to give One Vote for each such Share, not exceeding Seven Shares for any One Person, and for which he, she, or they shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of Officers, or other Matters or Things, shall be proposed, discussed, or considered in any public Assembly to be holden by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every

Each Proprietor to have a Vote;

by Self, or Proxy.

Note no one proprietor can vote for more than 7 Shares

every Share: Provided that no Person shall be Proxy for more than Seven Shares.

If the Sum subscribed be not sufficient, a further Sum may be subscribed;

And be it further Enacted by the Authority aforesaid, That in case the said Sum of Seven thousand Pounds, hereinbefore authorized to be raised, shall be found insufficient for the Purposes aforesaid, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money, for completing and perfecting the said Navigation, not exceeding the Sum of Three thousand Pounds, and every Subscriber towards raising such further or other Sum of Money, shall have a like Vote, by himself or his Proxy, in respect of every such Share in the said additional Sum of Money so to be raised, and shall also stand interested in all the said Profits and Powers of the said Navigation, in Proportion to the Sum or Sums of Money he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum or Sums of Money, hereby allowed to be subscribed for and raised, had originally been Part of the said Seven thousand Pounds, any thing herein contained to the contrary thereof in any wise notwithstanding; or it shall and may be lawful for the said Company of Proprietors, or the Committee for the Time being, to be by them appointed by virtue of this Act, or any Three or more of such Committee, by Order of the General Meeting, at any of their Meetings assembled, to borrow and take up, at legal or less Interest, all or any Part of the said Sum of Three thousand Pounds, on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and they are hereby fully authorized and empowered to assign over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties arising by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Tolls, Rates, and Duties) as a Security for such Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the Common Seal of the said Company, by the following Words of Assignment, or by any other Words to the same Effect; viz.

Every Subscriber has paid 20s per Cent per Annum to 1400 Lays an addition. And 700 L has been done since upon Mortgage

or may be raised by mortgage of Navigation and Tolls.

Form of Assignment.

" By virtue of an Act, made in the Sixteenth Year of the
 " Reign of His Majesty King George the Third, for making the River Soar navigable, from the River Trent, to
 " Bishop's Meadow, within the Liberty of Garendon, in the
 " County of Leicester, and for making and maintaining a
 " navigable Cut or Canal from thence, near, or up, and
 " into The Rushey, at Loughborough, in the said County;
 " we, the Company of Proprietors of the said Navigation,
 " incorporated under the said Act, in Consideration
 " of

" of the Sum of
 " of lawful Money of Great
 " Britain, to us in Hand paid by
 " do assign unto the said his
 " Executors, Administrators, and Assigns, all and singular
 " the Tolls, Rates, and Duties, arising by virtue of the said
 " Act, and also the said Navigation, Undertaking, and Pre-
 " misses, and all the Estate, Right, Title, and Interest, of
 " the said Company of Proprietors, of, in, and to, the same,
 " to hold unto the said his
 " Executors, Administrators, and Assigns, until the said Sum
 " of together with Interest
 " for the same, after the Rate of *per Centum*
 " *per Annum*, shall be repaid."

And all and every Person or Persons, to whom the said Company
 of Proprietors shall at any Time make such Assignment or Assign-
 ments, shall be equally entitled to his, her, or their Proportion
 or Proportions of the said Tolls, Rates, Duties, and Premises, ac-
 cording to the respective Sums in such Assignment or Assignments
 mentioned to be advanced by him, her, or them, without any Pre-
 ference by Reason of Priority of Assignment, or on any other Ac-
 count whatsoever; and the Money so borrowed shall be applied
 in such Manner as other Money to be raised by virtue of this Act
 is directed to be applied, and to no other Use or Purpose; and
 Entries or Memorials of every such Assignment, contain-
 ing the Dates, Names of the Parties, and Sum or Sums of
 Money borrowed, shall be made in a Book or Books to be kept
 for that Purpose by the Clerk or Clerks to the said Company of
 Proprietors; which said Book or Books shall and may be perused
 at all seasonable Times, by any Persons anyways interested or con-
 cerned therein, without Fee or Reward; and all and every Person
 or Persons to whom any such Assignment or Assignments shall be
 made as aforesaid, or who shall be entitled to the Money thereby
 secured, may, from Time to Time, assign or transfer his, her, or
 their Right, Title, Interest, or Benefit, to the Principal and Inte-
 rest thereby secured, to any Person or Persons whomsoever, in-
 dorsing on the Back of such Security the following Words, or
 Words to the like Effect:

The Assign-
ments to be
entered in
Books.

Assignments
may be trans-
ferred.

" I *A. B.* do transfer the within-written Assignment, with all my Form of the
 " Right and Title to the Principal thereby secured, and to all Transfer.
 " the Interest now due thereon, to *C. D.* of
 " his Executors, Administrators, or Assigns. Dated this
 " Day of *A. B.*
 " Witness *G. H.*"

Which said Transfer or Assignment shall be signed by the Person or
 Persons making the same, in the Presence of One credible Witness,
 and shall be produced and notified to the said Clerk or Clerks; who
 shall

Memorial thereof to be entered by the Clerk.

shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sum or Sums of Money thereby transferred, in the said Book or Books to be kept for the entering the said original Assignments, for which the said Clerk or Clerks shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of One Shilling; and after such Entry made, but not till then, every such Assignment or Assignments shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may, in like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of any such Person or Persons who shall have made such Assignment or Assignments, to make void, release, or discharge the same, or any Sum or Sums of Money thereon due, or thereby secured, or any Part thereof.

Subscribers to be paid Interest for the Money in the mean Time.

And be it further Enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Navigation, and all Things necessary for making and maintaining the same, shall be carrying on, and until the same shall be completed and finished, to pay unto every Person or Persons, their several and respective Executors, Administrators, and Assigns, who shall severally advance and pay in any Sum or Sums of Money as aforesaid, Interest for the same, after the Rate of Five Pounds for every Hundred Pounds, by the Year, from the Time that each such Sum or Sums of Money shall be respectively advanced and paid as aforesaid, in Preference of any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them.

Persons possessed of less than One Share not to act as a Proprietor.

Provided always, That no Person who shall not be possessed of One whole Share shall be capable of acting as a Proprietor for any of the Purposes of this Act.

Assignments to be considered as real Securities.

And be it Enacted, That all and every such Assignment or Assignments to be made or given by virtue of this Act, for securing any Sum or Sums of Money, shall, to all Intents and Purposes, be taken and considered as in the Nature of real Securities for the Sum or Sums of Money which shall or may be advanced or lent upon the Credit thereof.

But Proprietors of them not to vote, at any Meeting of the Company, on Account of having lent such Money.

Provided always, That no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent and advanced any Sum or Sums of Money on the Credit of any such Assignment.

Provided,

Provided, and be it further Enacted, That the said Company of Proprietors are hereby required, Yearly and every Year, to pay and discharge the Interest of all and every Sum and Sums of Money which shall be borrowed upon the Credit of all or any Part or Parts of the said Rates or Duties as aforesaid; and in case the same, or any Part thereof, shall be behind and unpaid for the Space of Sixty Days next over or after the same shall become due and payable as aforesaid, and after Demand thereof made, that then it shall and may be lawful for the said Commissioners, or any Three or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons shall and is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until all such Interest due thereon, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*.

The Company to pay the Interest Yearly of Money borrowed by Mortgage of the Rates; on Failure whereof the Commissioners to appoint a Receiver of the Rates,

until paid, with Costs;

or the Interest may be sued for at Law.

And be it further Enacted, That there shall be One Annual General Assembly or Meeting of the said Company of Proprietors, for putting the said former Act and this Act into Execution, the First of which shall be holden at the House of *Michael Ella*, known by the Sign of the *Bull's Head*, within the said Town of *Loughborough*, on the Fourteenth Day after the Day of passing this Act, at which said First General Meeting, the Proprietors assembled, together with such Proxies as shall be then present, shall choose a Committee, not exceeding Seven, nor less than Five Proprietors in the said Navigation, to manage, direct, contract, and carry on the said Navigation, and all the Affairs of the said Company of Proprietors, for the Year then next following, or until another Committee shall be appointed, and to do all and every other Matters and Things whatsoever relating thereto; at which Meeting also the said Proprietors shall choose and appoint a Treasurer or Treasurers, and a Clerk or Clerks, with fixed Salaries, who shall always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and make Entries, and do whatsoever shall be ordered at such Meetings respectively.

First General Assembly of Proprietors.

A Committee to be then chosen, to manage the Affairs of the Company for that Year.

For appointing Treasurer and Clerk.

Provided always, That such Committee shall, from Time to Time, make Reports of their Proceedings to the said General Assembly, and be subject to the Examination and under the Controul

Committee to be under Controul of the Company.

of the said General Assembly of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions, in and about the Premises, as they shall, from Time to Time, receive from the said Proprietors, at any such General Assemblies, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

For holding
occasional
General
Meetings.

And be it further Enacted, That if it shall at any Time appear to any Ten or more of such Proprietors, that, for the more effectually putting the said former Act and this Act in Execution, an occasional General Meeting of Proprietors is necessary to be held, it shall be lawful for such Ten or more of them to cause Notice to be given thereof in the *Leicester Journal*, declaring in such Notice the Place where and the Time when such Meeting is to be held, (the same not being less than Fourteen Days after such Notice given) and likewise specifying in every such Notice the Reason for and Intention of such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by the said former Act and this Act given, with respect to the Matters so specified only; and every such Act of the Proprietors, to be determined by the major Part of Votes and Proxies at such Meetings assembled, shall be as valid, to all Intents and Purposes, as if the same were done at an Annual General Meeting held in the Manner hereinbefore appointed.

The Com-
mittee to
audit all Ac-
counts of
Disburse-
ments;

and to make
Calls on the
Proprietors;

which shall
be paid to
the Treas-
urer;
and applied
by the Com-
mittee.

And be it further Enacted by the Authority aforesaid, That the said Committee of Proprietors shall have Power, from Time to Time, to call for, audit, and settle all Accounts of Money laid out and disbursed concerning the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Navigation; and for that Purpose shall have Power to adjourn themselves over, from Time to Time, and from Place to Place, as shall be thought convenient; and such Committee shall have Power, from Time to Time, to make such Call or Calls of Money from the said Company of Proprietors, to defray the Expences of, or carry on, the same Navigation, as they, from Time to Time, shall find wanting and necessary for the several Purposes aforesaid, so as that the First Call shall not exceed the Sum of Ten Pounds for every One hundred Pounds, and every succeeding Call not to exceed the Sum of Five Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other; which Money so called for shall be paid into the Hand or Hands of the Treasurer or Treasurers of the said Company for the Time being, to be paid and applied in such Manner as the said Committee shall, from Time to Time, appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General, Annual, or other Assembly, to be holden in Manner as aforesaid, have full Power and Authority to direct and manage

manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee, absolutely then and there assembled; and such Committee may adjourn themselves from Time to Time as they shall see Occasion; and every Owner or Owners of One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Share or Proportion, Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which One Month's Notice (except the First Call of Ten Pounds *per Centum*, which may be at Ten Days Notice) shall be given by the Clerk of the said Company, by Letter directed to each Subscriber or Proprietor, at his, her, or their usual Place of Abode, of such Call, and the Treasurer's Name and Place of Abode, to whom such Payments are to be made; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share, Parts or Shares of the said Money to be called for by the First Call as aforesaid, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed; and in case any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, for the Space of One Month after the Time and Place so appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing, shall forfeit the Sum of Five Pounds for every of his, her, or their respective Share or Shares, Parts, and Interests in the said Navigation, Undertaking, and Premises; and in case any such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of Proprietors of the said Navigation, in Trust for, and for the Benefit of, all the rest of the said Proprietors, in Proportion to their respective Interests therein.

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Navigation, Undertaking,

The First Call may be sued for.

Forfeiture on neglecting future Calls.

No Advantage to be taken till Forfeiture

declared at a
General As-
sembly.

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taking, and Premises, till after the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be holden within Six Calendar Months next after such Forfeiture shall incur or be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement, between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with respect to the carrying on the said intended Navigation.

The Com-
pany may
remove Com-
mittee Men,
and alter
their own
Proceedings;

except as to
calling Ge-
neral Assem-
blies, and
voting and
appointing
Committees;

and may
make new
Rules, Bye
Laws, &c.;

and may al-
ter and re-
peal the same
again;

and impose
Forfeitures
on Persons
offending
against them.

Rules, Bye
Laws, &c.
under the
Seal of the
Company, to
be binding
and Evi-
dence.

Provision for
Payment of
Calls on
Shares of Per-
sons who are
dead or inca-
pacitated.

And be it further Enacted by the Authority aforesaid, That the said Company of Proprietors for the Time being shall always have Power and Authority, at any General Assembly, to remove or displace any Person or Persons chosen to be of such Committee as aforesaid, or any Officer or Officers under them, and to choose and appoint new ones; and to revoke, alter, amend, or change any of the Rules and Directions hereinbefore described and laid down, with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General or Special Assemblies, and voting and appointing Committees, only excepted;) and shall have Power to make such new Rules, Bye Laws, Orders, and Regulations, for the good Government of the said Company, and for the good and orderly carrying on, completing, and maintaining of the said Navigation, and of all such Warehouses, Wharfs, Passages, Locks, Tunnels, and all other Things that shall be made for or on Account of the same, and of and concerning all such Vessels, Goods, and Commodities as shall be navigated and conveyed thereon, and also for the well-governing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandizes upon any Part of the said River, Cuts, Canals, or Trenches, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any one Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as hereinafter are mentioned; which said Rules, Bye Laws, Orders, and Regulations, being put into Writing, under the Common Seal of the said Company of Proprietors, shall be binding to, and observed by all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same.

And be it further Enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Writing or

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or otherwise, how such Share or Shares shall be disposed of, and the Money to be paid in upon Calls for the future, then and in such Case the Executors or Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant or Infants, or other Person or Persons whomsoever, entitled to the Estate or Effects of such deceased Owner, shall be indemnified against all such Infant or Infants, or other Person or Persons whomsoever, for paying any Sum or Sums of Money, when called for as aforesaid, to complete any such Subscription; and if such deceased Owner shall not have left Assets sufficient, or in case the Executor, Administrator, Trustee, or Guardian of such deceased Owner shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby empowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or other Person or Persons entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner, in his or her Life-time, by virtue of any Call or Calls, or otherwise advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Company to sell and dispose of the Share or Shares of such deceased Owner, and pay the Money arising by such Sale (after deducting the reasonable Charges occasioned thereby) to or for the Benefit of the Representative of such deceased Owner.

In case the deceased Owner does not leave Assets, other Persons may be admitted;

paying to the Representatives the Sums theretofore advanced;

or otherwise the Company may sell the Share for the Benefit of the Representatives.

And be it further Enacted, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares he, she, or they, shall or may be entitled to in the said Navigation, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his or their Security or Securities, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or to their Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee or Clerk as aforesaid, and filed and entered as above directed, such Purchaser

Proprietors may sell their Shares.

Purchasers of
Shares not
entitled to
vote till they
have been
Proprietors
6 Calendar
Months.

Exception,

or Purchasers shall have no Part or Share of the Profits of the said Navigation, or any Interest for his said Share, paid to him, her, or them, or any Vote as Proprietor or Proprietors as aforesaid; and no Purchaser or Purchasers of any Share or Shares in the said Company shall be entitled to vote at any General Meeting, unless it appears by the Register Book of the said Company, that he, she, or they have or hath been a Proprietor of such Share or Shares for at least Six Calendar Months before that Time; save and except such Proprietor or Proprietors who became so by Inheritance, Devise, or legal Representation, or as Trustee or Guardian as aforesaid, who shall have a Right to vote, and in every Respect to act, so soon as their Claims and Rights thereto are made out and entered in the Register Book of the said Company in Manner as aforesaid.

Form of
Transfer of
Shares.

And be it further Enacted by the Authority aforesaid, That all and every such Share or Shares so to be sold, shall be assigned and transferred in the Words or to the Effect following; (that is to say,

"I A. B. in Consideration of

"paid to me by C. D. do hereby bargain, sell, assign, and

"transfer, to the said C. D. his Executors, Administrators,

"and Assigns, Shares (as the Case is) in

"the Navigation from the *Trent to Loughborough*, to hold to

"him the said C. D. his Executors, Administrators, and

"Assigns, subject to the same Rules and Orders, and on

"the same Conditions, that I held the same, immediately

"before the Execution hereof; and I the said C. D. do

"hereby agree to accept thereof, subject to the same Rules,

"Orders, and Conditions. Witness our Hands and Seals the

" Day of in the Year of our Lord

No Person
to sell after
Call made,
till the Call
is paid in.

And be it further Enacted, That after any Call of Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer any Share, Interest, or Property, which he, she, or they shall then have in the said Undertaking, by reason of any Deposit or Payments made on such Subscription, until the Monies called for upon their respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking to the said Company of Proprietors, in Trust for the Benefit of all the other Proprietors; such Forfeiture nevertheless to be notified and declared at a General Meeting in Manner hereinbefore directed, unless the Person who shall be Vendor or Vendee shall at the Time of such Transfer pay the Money called for, upon each Share so transferred, to the Treasurer of the said Company,

Company, such Forfeiture nevertheless to be notified and declared at a General Assembly, in Manner above directed.

And be it further Enacted, That the Clerk or Clerks so to be appointed shall, in proper Books to be provided for that Purpose, enter and keep true and perfect Accounts of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares, or to any Part of such Shares, of and in the said Navigation, and of all other Acts, Proceedings, and Transactions, of the said Company of Proprietors, and of the Committees, by virtue of and under the Authority of this Act; and that each of the said Proprietors shall and may, at all convenient Times, have recourse to, and peruse and inspect such Books, gratis, and may demand and have Copies thereof, or any Part thereof, paying Two Pence for every One hundred Words so to be copied; and if the Clerk shall refuse to permit any such Proprietors to inspect such Books, or refuse to make Copies or Extracts thereof, at the Rate or Times aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

List of Names and Places of Abode of Proprietors to be kept;

and of the Company's Proceedings.

And be it further Enacted, That the Clerk to the said Company of Proprietors for the Time being shall, from Time to Time, attend the said Commissioners at all Meetings to be by them holden for the Purpose of executing this Act; and that all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all Orders and Proceedings of the said Commissioners shall be entered by such Clerk, in Books to be kept for that Purpose (such Books to be open at all reasonable Times for the Inspection of any Person interested, and desirous of seeing and examining the same, without Fee or Reward;) and the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the Commissioners respectively as by this Act are empowered and required to make such Orders, and carry on such Proceedings, and shall also be attested by the said Clerk, as a Witness thereto; and being so signed and attested shall be deemed Originals, and admitted as Evidence, without further Proof, in all Courts whatsoever.

The Clerk of the Company to attend Meetings of Commissioners, and enter their Proceedings in Books;

which shall be deemed Evidence.

And be it further Enacted, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters and Things relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at the Town of Loughborough aforesaid, or at such other Place or Places, being within Two Miles of the said Navigation, as the said Company of Proprietors shall from Time to Time direct, and the

Books, &c. to be locked up in Boxes, and kept where the Company direct.

Key

The Committee to keep the Key.

Proprietors to have Access to inspect.

If Commissioners disapprove of the Clerk, the Company to appoint another, to be approved of by the Commissioners.

The Commissioners may name one in the mean Time.

Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire or Request for that Purpose to be made to the said Committee, or any One of them, shall have free Access to such Book and Books for his, her, and their Inspection.

Provided always, That in case any Person appointed by the said Company of Proprietors to attend the said Commissioners as their Clerk, shall not attend when required, or shall be disapproved of by the said Commissioners, or any Three or more of them, the said Company of Proprietors shall, upon Notice of such Disapprobation given them by such Commissioners, immediately proceed to a new Appointment, and so from Time to Time, until the said Company of Proprietors shall appoint a Clerk in his Stead, of whom the said Commissioners, or any Three or more of them, shall approve; and in the mean Time, till such a Clerk shall be appointed, the said Commissioners, or any Three or more of them, may nominate a proper Person, if necessary, with a reasonable Allowance to be paid him by the said Company of Proprietors, for doing the Business of such Clerk.

Tonnage Rates.

And, for making a Provision for obtaining the good Ends and Purposes hereinbefore mentioned, **Be it further Enacted** by the Authority aforesaid, That at such Place and Places, upon or adjoining to the said River, Cuts, Canals, or Trenches, and in such Manner, and under such Regulations as the said Company of Proprietors, by any Instrument in Writing, under their Seal, shall direct and appoint, there shall be paid, for Tonnage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever, which shall be navigated, carried, or conveyed up or down, or in, along, or upon the said River, navigable Cuts or Canals, or any of them, or for such, or all, or any of them, within the Limits of the said Navigation, to the Collector or Collectors to be nominated as hereinafter is directed, by all and every Person and Persons, who shall so navigate, carry, or convey any such Goods, Wares, Merchandize, Commodities, or other Things whatsoever, such Sum or Sums of Money, for the several Rates or Duties thereof, (over and above what shall or may be paid for the Freight or Carriage thereof) as the said Company of Proprietors, shall, from Time to Time, think fit and proper to appoint, not exceeding the several Rates or Duties hereinafter mentioned; (that is to say) For every Quarter of Wheat, Rye, Beans, or Pease, the Sum of Six Pence; for every Quarter of Malt the Sum of Four Pence; for every Quarter of Barley, or other Grain not before enumerated, the Sum of Five Pence, and so in Proportion for any greater or less Quantities of the Grain

Tonnage

2/1
2/1
2/1

Grain and Commodities aforesaid; and for every Ton of Goods, Wares, Merchandize, Commodities, and other Matters and Things whatsoever, not before specified, the Sum of Two Shillings and Six Pence, and so in Proportion for any greater or less Quantity or Weight than a Ton.

Rates
And be it further Enacted, That in case any Person or Persons shall refuse or neglect to pay the said Rates or Duties, or any Part thereof, to such Collector or Collectors as aforesaid, on Demand, the said Company of Proprietors shall and may sue for and recover the same, with such Costs as aforesaid, by Action of Debt, or on the Case, in any Court of Record; or the Person or Persons, to whom the said Rates or Duties ought to have been paid, may, and he and they are hereby impowered to seize and detain any Goods or Vessels, for which the said Rates or Duties ought to be paid, until they shall be satisfied and paid the same; and in case such Rates or Duties shall not be paid within the Space of Five Days next after such Seizure made, it shall and may be lawful for the said Company of Proprietors, or their said Collector or Collectors, to sell such Goods, Wares, Merchandize, Commodities, Boats, or Vessels, rendering the Overplus (if any) to the Owners thereof, after the said Rates or Duties, and all reasonable Charges of such Seizure, Detention, and Sale, shall be deducted, satisfied, and paid.

Rates may be sued for;

or Goods or Vessels seized and detained;

if not redeemed within 5 Days, may be sold.

Acc. to be given of
And, for the more easy collecting the said Rates and Duties, Be it further Enacted, That the Masters, Owners, and Managers of every Boat, Keel, or other Vessel, navigating upon or along the said River, Cuts, Canals, or Trenches, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Keel, or other Vessel, to the Collector or Collectors of the said Rates or Duties, at the Place or Places where they shall attend for that Purpose, of the Quantities, Qualities, or Weights of Goods, which shall be in or belonging to each Boat, Keel, or other Vessel, and also of the Quantities, Qualities, or Weights of such Goods as shall have been discharged or taken out of such Boat, Keel, or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and in case such Master, Owner, or other Person, shall neglect or refuse to give such Account, or shall give a false Account thereof, they shall forfeit and pay to the said Company of Proprietors the Sum of Five Pounds for every such Offence, over and above the Rates or Duties they are obliged to pay for the same; which said Forfeitures may be recovered either against the Master of such Vessel, or the Proprietor or Owner thereof, at the Election of the said Company of Proprietors of the said Navigation.

Masters of Vessels to give Account of their Lading.

Penalty on Refusal, or giving false Account.

All Persons may use the private Roads made by the Company, with Cattle and Carriages, except Towing Paths; and likewise the Navigation, with Vessels suited thereto; and the Wharfs and Towing Paths, on paying the Rates; subject to the Rules of the Company.

The Company to set up Gates, Bridges, &c.

For the Use of Occupiers of Lands.

If Fords spoiled, the Company to provide other Methods of Passage.

In case any of the Works are damaged

And be it further Enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways (except the Towing Paths) to be made by virtue of this Act, for the Purpose of conveying any Goods, Merchandize, and Commodities, or other Matters or Things whatsoever, to or from the said River, Cuts, Canals, or Trenches; and also to navigate upon the said River, Cuts, Canals, or Trenches, with any Boats or Vessels suited to the Construction of the Locks, and the Depth of Water in the said River, Cuts, Canals, or Trenches; and to use the Wharfs or Quays to be made by virtue or in pursuance of this Act, for loading and unloading Goods, and the said Towing Paths, for haling and drawing such Boats and Vessels, upon Payment of such Rates or Duties as shall be demanded by the said Company of Proprietors, not exceeding the Rates hereinbefore mentioned; and subject always to the Rules, Bye Laws, and Constitutions which shall from Time to Time be made by the said Company of Proprietors, by virtue of the Powers hereinbefore granted for and concerning the said Navigation.

And be it further Enacted, That the said Company of Proprietors shall and may cause to be made, set up, and from Time to Time maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches and Fences, Towing Paths, Haling Paths, and Ways, to be made for the Purposes of the said Navigation; and also sufficient Bridges, with proper Battlements, or Posts and Rails, on each Side, over the new Cuts, Trenches, and Passages for Water, where necessary, for the Use of the Occupiers of Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to and from the Lands, for the Use and Occupation of the same; and also, if the said Company of Proprietors shall think proper to cause the said River to be deepened in any Part or Parts, so as to render any usual and common Fords or Highways dangerous or impassable, in every such Case the said Commissioners, or any Nine or more of them, shall cause such a Method of Passage to be provided by the Proprietors, as shall appear to the Majority of them (such Majority to consist of Seven at the least) to be equally commodious with that in Use before the passing of this Act, where such Fords now are, or as near thereto as conveniently may be; and the Company of Proprietors shall from Time to Time maintain and keep the said Conveniencies in Repair; and in case of a Ferry Boat, the said Company of Proprietors shall provide a proper Boatman or Boatmen, to accommodate, *gratis*, all Passengers, Horses, Cattle, and Carriages, having Occasion to pass over or through the same, at all such Times as the said Fords have been usually passable.

And whereas it may hereafter happen, from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams,

Dams, Banks, Cuts, Canals, Trenches, or other Works of the said Navigation, may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged, and that it may be necessary the same should be immediately repaired or re-built, to prevent further Damage; **Be it therefore Enacted**, That when and as often as any such Case may happen, it shall and may be lawful for the said Company of Proprietors, from Time to Time, or their or any of their Servants, Agents, or Workmen, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said River, Cuts, Canals, Trenches, or any of them, (not being the Ground whereon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House) and to dig for, get, work, take, carry away, and use, all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in, such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of; and making Recompence for such Damages to the Owners and Occupiers of, or other Persons interested in, such Lands, Grounds, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by means of the digging for, getting, working, taking, carrying away, and using, such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined by the Ways and Means hereinbefore prescribed with respect to other Damages done by getting Materials for the Purpose of making and completing the said Navigation.

by Floods, the Company to repair the same immediately, without previous Application to the Commissioners;

and without previous Treaty with Land Owners, on Account of Damage; making Compensation afterwards.

And be it further Enacted, That it shall and may be lawful to and for the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said River, Cuts, Canals, or Trenches, or any of them, shall pass, and they are hereby authorized and impowered to make, erect, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their own Lands, Grounds, or Wastes, adjoining or near to the said River, Cuts, Canals, or Trenches hereby authorized to be made, for the Purpose of landing any Goods, Wares, or Merchandize, or other Matters and Things, thereupon, or upon the Banks lying between the same and the said River, Cuts, Canals, or Trenches; and to make and use proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively,

Lords of Manors, or Land Owners, may provide Wharfs, &c. on their own Lands.

respectively, shall not and do not obstruct or prejudice the Navigation of the said River, Cuts, Canals, or Trenches, or the Towing Paths on the Sides thereof respectively; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, upon their own Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates and Duties granted to the said Company of Proprietors, for Tonnage, shall not be thereby reduced or altered.

Rate of
Wharfage to
be taken by
Land Own-
ers.

And be it further Enacted, That no more than the Sum of Six Pence *per* Ton shall be demanded or taken, for Wharfage, by any Person or Persons, Proprietor or Proprietors, Land Owner or Land Owners, who shall or may at any Time hereafter make, erect, or build any Wharfs and Quays on any Part of the said River, Cuts, Canals, or Trenches, by virtue of this Act, unless the Goods, Wares, or Merchandize, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Ten Days; but if they remain and continue thereon for more than Ten Days, One Halfpenny a Day shall be paid for the Wharfage of every Ton of such Goods.

The Owners
of Vessels
Names to be
painted there-
on.

And, for the better regulating of Masters of Boats, Bargemen, and others, employed upon the said River, Cuts, Canals, or Trenches, Be it further Enacted, That every Owner of any Boat, Barge, Keel, or other Vessel, passing on the said River, Cuts, Canals, or Trenches, shall cause his Name to be set in large painted white Capital Letters Six Inches high at least, and of a proportionable Breadth, on a Black Ground, on each of the Outfides of every Boat, Barge, Keel, or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, at the Expence of the Proprietors of the said Navigation, by putting Weights into the same for that Purpose, or otherwise, and to be marked with Figures, or other Marks, at each End and Middle, on the Outside thereof, shewing how much or how far every Ton Weight of Loading, which shall be put into every such Boat, Barge, Keel, or Vessel, will sink the same into the Water, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; and every Owner of any Boat, Barge, Keel, or other Vessel, who shall refuse or neglect to put his Name on any such Boat, Barge, Keel, or other Vessel, and any Owner, Master, or other Person having the Rule or

Vessels to be
measured by
the Company
and marked.

Penalty on
Neglect or
Refusal by
the Owners.

or Command of such Boat, Barge, Keel, or other Vessel, who shall refuse to have his, her, or their Boats, Barges, Keels, or other Vessels, measured or marked as aforesaid, or shall alter, deface, erase, hide, or destroy any of the said Letters, Figures, or Marks, he or they shall for every such Offence respectively forfeit and pay the Sum of Five Pounds, One Moiety whereof shall be paid to the said Company of Proprietors, and the other Moiety to the Person who shall inform and sue for the same.

And be it further Enacted, That the said Commissioners, or any Three or more of them, shall ascertain the several Distances, nearer than which no Boat, Barge, Keel, or other Vessel, shall be suffered to be moored, or lie, to any Mill, Dam, Stones, or Bridge, within the said River, Cuts, Canals, or Trenches respectively, and shall set up Stones or Posts, denoting the same; and if any Person shall moor, or cause to be moored, any Boat, Barge, Keel, or other Vessel, within the Distance so to be ascertained as aforesaid, every Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

Commissioners to ascertain Distances for mooring Vessels.

Provided always, That nothing herein contained shall be construed to extend to prevent, hinder, or obstruct any Person or Persons from loading or unloading any Boat, Barge, Keel, or other Vessel, within the Distance so to be ascertained as aforesaid.

And be it Enacted by the Authority aforesaid, That if any Miller, Owner or Occupier of any Mill or Mills, do or shall, upon Twenty-four Hours Notice given, and upon Payment or Tender of such Recompence or Satisfaction as is in the said recited Act mentioned, to him or them made by the said Company of Proprietors, or any Person or Persons employed as their Clerk or Agent, or by any Master, Owner, or other Person having the Command of any Boat, Barge, Keel, or other Vessel, passing on the said River, Cuts, Canals, or Trenches, or any of them, neglect or refuse either to draw up or open, or to shut or put down, any Clough or Cloughs, or any Sluice or Sluices, belonging to such Mill or Mills, and which shall be necessary to be opened or shut respectively, for making and effecting the said Navigation, and the Works necessary for that Purpose, and for altering and repairing the same, or for the Passage of any such Boat, Barge, Keel, or other Vessel, or any other the Purposes of this Act, every Person so offending, and being thereof lawfully convicted as aforesaid, shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Millers to draw up or put down Cloughs, as desired, for making the Navigation, under a Penalty for Refusal.

Provided nevertheless, and be it Enacted, That if any such Clough or Cloughs, Sluice or Sluices, shall be necessary to be opened or shut respectively, for the Passage of any such Boat, Barge,

The like, when necessary for Passage of any Vessel.

Keel, or other Vessel, for a Space of Time not exceeding Three Hours, and such Miller, Owner, or Occupier, do and shall neglect or refuse to draw up or open, or to shut or put down, upon One Hour's Notice given, by any Master, Owner, or other Person having the Command of any such Boat, Barge, Keel, or other Vessel, and upon Payment or Tender of such Recompence or Satisfaction as hereinbefore is mentioned, every Person so offending, and being thereof lawfully convicted as aforesaid, shall for every such Offence in like Manner forfeit and pay the like Sum of Twenty Pounds.

Penalty on making Obstructions by placing Vessels.

And be it further Enacted, That if any Boat, Barge, Keel, or other Vessel, shall be placed in any Part of the said River, Cuts, Canals, or Trenches aforesaid, so as to obstruct the Navigation, and the Person having the Care or Management of such Boat, Barge, Keel, or other Vessel, shall not immediately, upon Request made, remove the same, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or Vessel to be unloaded (if necessary) and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, Keel, or Vessel, and the Loading thereof, until the Charges occasioned by such Removal are paid; and if any Boat, Barge, Keel, or Vessel, shall be sunk in the said River, Cuts, Canals, or Trenches aforesaid, and the Owner, or Person having the Care or Management of such Boat, Barge, Keel, or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, Keel, or Vessel, to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up forthwith.

Penalty on floating Timber, or improperly loading Vessels.

And be it further Enacted, That if any Person or Persons shall float any Timber upon the said River, Cuts, Canals, or Trenches, or any of them; or load any Boat, Barge, Keel, or Vessel, with Timber, so that the same shall lie over the Sides of any such Boat, Barge, Keel, or Vessel, so laden; or shall overload any Boat, Barge, Keel, or Vessel, navigating in or upon the said River, Cuts, Canals, or Trenches, or any of them, and when so overloaded, shall put such Boat, Barge, Keel, or Vessel, into the said River, Cuts, Canals, or Trenches, or any of them, so as to obstruct the Passage of any other Boat, Barge, Keel, or Vessel, and shall not immediately, upon Notice given to the Owner, or Person having the Care of such Boat, Barge, Keel, or Vessel, so obstructing the Passage as aforesaid, hale such Boat, Barge, Keel, or other Vessel, back into

into such Place or Places as shall be proper, or made for Boats, Barges, Keels, or other Vessels, to pass each other; every such Owner or Person floating such Timber, or having the Care of such Boat, Barge, Keel, or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds to the said Company of Proprietors, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Provided also, That no Commissioner shall act in any Case relating to the Purchase of any Lands, Tenements, or Hereditaments, or settling and adjusting any Damages, where he shall be personally interested.

Commissioners not to act in Cases where they are interested.

And be it further Enacted, That if any Person appointed a Commissioner by virtue of this Act, shall have or accept any Place of Profit arising out of the Rates or Duties to be raised and collected by the Authority of the same, such Person, from and after his accepting thereof, and during the Time of his holding and enjoying such Place of Profit, or during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain, made or to be made, for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Commissioners not to hold Places of Profit;

or be Proprietors in the Navigation, or concerned in Contracts.

And be it further Enacted, That upon any Application to be made by the said Company of Proprietors, or by any of the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said Navigation, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Three or more of them, desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to, or any Three or more of them, may and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice, in Manner hereby directed, of a General Meeting to be holden at such Time and Place as shall be specified in such Notice, (such Time not being less than Fourteen Days, nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid;) and the said Commissioners, or any Three or more of them, are hereby authorized, empowered, and required, to meet at the Time and Place so to be appointed, in order to put the said former Act, and this present Act, and the Powers and Authorities thereby and hereby given to and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled at such Meeting, or any Three or more of them, shall think proper and convenient; and if it shall happen that there shall not appear, at any Meeting which shall

Commissioners to appoint a General Meeting of themselves when desired.

On Failure of a sufficient Number of Commissioners to attend, the Meeting deemed adjourned.

All Meetings to be public, and Matters determined by a Majority.

Commissioners may summon special Meetings, upon Request, for ascertaining Damages.

No Meeting effectual, unless previous Notice given of the Time, Place, and Business to be done.

Meetings of Commissioners, to settle Controversies

shall be appointed to be had or holden by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and from Time to Time, as often as the Case shall happen, such Meeting shall be deemed adjourned until that Day Three Weeks, to be holden at the same Place; and all Meetings of the said Commissioners, by virtue of this Act, shall be public, and the Majority of the said Commissioners present at every such Meeting (such Majority not being less than Three) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise, any Thing herein contained to the contrary notwithstanding.

Provided nevertheless, and be it further Enacted, That it shall and may be lawful for any Three or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be holden by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner hereby directed, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining of such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Provided always, That no such Meeting of the said Commissioners shall be good or effectual for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof, and the Business proposed to be done, under the Hand of the Clerk for the Time being attending the said Commissioners, shall be first published in the *Leicester and Nottingham Journal*, and in such other Manner as the said Company of Proprietors shall at any General Meeting appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners, unless the Business to be transacted at any such Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice, in which Case the Commissioners, or any Three or more of them, may from Time to Time adjourn to the succeeding Day, or, if such Day be *Sunday*, then to the Day following, and in the like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meetings holden by such last-mentioned Adjournment.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference, between the said Proprietors or any other Person or Persons, shall be holden at some convenient Place,

to be for that Purpose appointed, at *Loughborough* aforesaid; and that no Order or Determination shall be made, unless the Majority of such Commissioners present at such Meeting respectively shall concur therein, (such Majority not being less than the respective Numbers authorized to make such Orders or Determinations;) and that no Order or Determination of the said Commissioners, duly made, shall be revoked or altered, unless Twelve Commissioners shall be present and concur therein.

And be it further Enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or by any Rules, Bye Laws, or Constitutions, made by the said Company of Proprietors, by the Authority thereof, (the levying and recovering of which said Fines, Penalties, and Forfeitures, are not hereinbefore particularly directed) shall be levied by Warrant under the Hands and Seals of Two or more Justices of the Peace in the said Counties of *Leicester* or *Nottingham*; which said Justices are hereby authorized to hear and examine Witnesses upon Oath, and determine the same; and may, according to their Discretion, mitigate any Fine, Penalty, or Forfeiture, hereinbefore allowed to be mitigated; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted (the Application whereof is not hereinbefore particularly directed) shall be paid to the said Company of Proprietors, into the Hands of their Receiver, Treasurer, or Collector of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

And be it further Enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall afterwards be committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Provided always nevertheless, That as for and concerning all such Damages as shall be done by getting, leading, laying, or working any of the Materials to be from Time to Time made use of for the said Navigation, the same shall be ascertained and settled in Manner aforesaid, and shall be paid as soon as conveniently may be after the finishing the Works for which such Damages shall be occasioned,

to be held at
Loughbo-
rough.

Recovery of
Application
of Penalties
and Forfeit-
ures.

Justices may
mitigate
Fines, &c.

Distress not
to be deemed
unlawful
for Want
Form.

Damages
done in get-
ting or w
ing Mater
to be paid
as soon as
may be
finishing
Works.

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caſioned, any thing in this Act contained to the contrary thereof notwithstanding.

When Lands
are mort-
gaged, the
Company
may pay the
Mortgage off,
as Part of the
Purchase
Money.

And be it further Enacted, That in caſe any of the Lands, in, through, or over which the ſaid Locks, Cuts, Canals, or Trenches, or any Part thereof, are intended to be made, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Company of Proprietors, upon Application being made to them by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, and the ſaid Company of Proprietors, their Succeſſors and Aſſigns, are hereby authorized and impowered to pay ſuch Sum or Sums of Money, after the ſame ſhall have been ſo agreed for, and adjusted or aſſeſſed in Manner aforeſaid, for ſuch Lands in Mortgage, in Part of the Principal Money that ſhall be due upon ſuch Mortgage or Mortgages, unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators.

Upon the
Mortgagee's
docking the
Mortgage
need.

Provided always, That upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, ſhall acknowledge the Receipt of ſuch Sum or Sums of Money, by an Indorſement or Indorſements to be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of One or more credible Witneſſes or Witneſſes, in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages.

Limitation of
Actions.

And be it further Enacted, That if any Action, Suit, or Information ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, hereinbefore given or granted, every ſuch Action, Suit, or Information, ſhall be brought and commenced within Six Calendar Months next after the Fact committed, for which ſuch Action or Suit ſhall be commenced, and not afterwards; and ſhall be brought, laid, and tried in the County of Leiceſter, and not elſewhere; and the Defendant or Defendants, in all ſuch Actions or Suits, may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence at any Trial or Trials to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought or laid in any other County or Place than as aforeſaid, that then and in every or any ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, or otherwiſe, Judgment ſhall be given againſt the

the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Case shall have Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for Costs of Suit, in any other Cases, by Law.

And be it further Enacted, That this Act shall be deemed, Public Act; adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

at Longbridge, in the said County
here, on the 2nd day of the 18th
Nineteenth Century of Great Britain,
and for making and maintaining a
road, in the County of Lincoln,
near within the Parish of St. George,
the said Road, to the said 18th
Century of Great Britain.

F. O. R.

Money Advanced for Completing the said
Navigation

The Original Subscription of 100 £ for each & every Share } 7000. 0. 0
thereon amounts to }
The Subsequent Subscription of 20 £ per Cent on each & every Share } 1400. 0. 0

Note there is 70 Shares in the said Navigation
420 £ pays the Proprietors 5 £ per Cent
2520 £ pays D^o — — 30 £ Y^o.

11 JY 63
Making the River Soar navigable, from
the River Trent, to Bishop's Mea-
dow, within the Liberty of Gar-
retton, in the County of Leicester;
and for making and maintaining a
Navigable Cut or Canal from thence,
near, or up, and into The Rugbs,
at Loughborough, in the said Coun-
ty.

A
C
T
F O R
A N

1776.

A State of M^r. Cradocks Account at the Gen^l.
Meeting held at the Bulls Head 16th April 1782.

To Cash paid by Treasurers since settling 1108-4-6
To Cash in Treasurers hands on passing
the last Ann. Account 117-10-8

To Cash Rec^d. by Tonnage Charge and
Machine since the above time 973-9-4

Balance due to Treasurers £ 16-16-4

To Cash in Arrear by Subscribers
105 To D^o in Arrear & in the hands
of the Warfringer 88-2-11 } 183-2-11

Ordered at this Meeting that a Dividend be made
of 5^d per Cent twice a year viz^t the first of July &
the first of January.

Ordered that the Warfringer shall prepare his
Books of Account ready for Inspection of any of
the Proprietors the second Monday in every Month.

Committee for this Year

M^r. Davys Deod

M^r. Dawson

M^r. Douglass Deod

M^r. Elia Deod

M^r. Burkill

M^r. Paget

M^r. Furnham Deod

The Treasurers Salary is
lowered to 40^s per Ann^o

A State of the Treasurers Account at the
Genl. Meeting 16th April 1783

To Cash Recd. by Tonnage 10 Harbours & Machine from 16 th April 1782 to the 16 th April 1783	1276-18-6
To D ^o by Subscriptions in Account	30-
To D ^o from Barlow for Sand got on the Banks of the Navigation	10-
	<hr/> 1307-10-6

Paym ^t this Year	937-3-2
Balance in Treas ^r hands	370-5-4

A State of the Au^t. 16th April 1785

Rec ^d .	3
Cash in hand last Year	338-10-0
Tonnage ex ^t	1490-14-6
of W ^m Smith at Redhill	45-16-5
of M ^r Woodroffe for giving a false Account	10--
a Years Rent of a Moiety of Zouch Mill	10-9-10
	<hr/> 1911-19-0
Paym ^t	
A Years Divid ^d . 7 th Plant	580--
other exp ^s .	605-7-5 ¹ / ₂
Balance in Treasurers Hands	710-11-6 ¹ / ₂
	<hr/> £1911-19-0

Committee for the Year 1792

Capt. Tho. Farnham
 Jn. Davys
 Edw. Dawson
 Wm. Coadock
 Hen. Cropper
 Jas. Paget
 Mich. Ma

1. Jan 1792 the half year
 Div. then due & payable was
 30 £ per Cent

1793
 16. Apr. The Ann. Meeting

The same Committee as were for the Year 1793

Balance in the Treasurers Hand at the
 Ac^t being made up to this time 1593. 6. 9

16. April 1794

Money Rec^d this Year by the Treas. 4597. 19. 7
 Paym^t by D^o 3274. 3. 7
 Balance in hand 1723. 16. -

16. April 1795

The Treas. Receipts this Year 3979. 11. 7
 The Paym^t 3606. 17. 2
 Balance 372. 14. 5

16. April 1796

The Treas. Rec^d this Year from the 1. April
 1795 to D^o 1796 By Tonnage 5593. 16. 5
 By Rents of Zouch Mill & 51. 14. 9
 M^r Barnsdale
 Penalties & Money Borrowed 205. -
 Paym^t 5244. 4. 2
 Balance in Treasurers Hand 1052. -

Comittee for the Year 1796

Edw. Farnham Esq.

Edw. Dawson Esq.

For: Pagot

13th April 1802

Thos. Burhill

10th Cradock

H. Cropper

The Committee then met to audit the
Treasurers Accounts for one Year ending
the 31st March Do find that his Acc^t

including the balance in his hands on -
passing the last Annual Account amount
to the sum of 10079.14.0 & his Disbursements
to the sum of 8455.9.5 & that the bal^{ce}
in his hands appears to be 1624.4.7

10th April 1803 The Committee then met to audit the
Treasurers Accounts for the last Year

Tonage Acc^t up to the 1st April - -

9599.13.10

Disbursements - - -

7604.11.3

Balance in hand - -

1905.2.7



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